



U.S. Department
of Transportation
**Research and
Special Programs
Administration**

APR 2 - 2003

400 Seventh St., S.W.
Washington, D.C. 20590

Ms. Dana M. Willaford
Transportation Safety
U.S. Department of Energy/Oak Ridge Operations
P.O. Box 2001
Oak Ridge, Tennessee 37831

Ref. No: 03-0006

Dear Ms. Willaford:

This is in response to your letter dated December 30, 2002 requesting clarification on the shipment of uranium 235 (U-235) under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Specifically you ask for clarification concerning the applicability of the 15 gram limitation found in 49 CFR 173.421(a)(5). You state that it is your understanding the 15 gram restriction on U-235 applies to fissile (enriched uranium) materials only and not to depleted uranium. Similarly, the international regulations do not have mass limit restrictions for uranium shipments as limited quantities unless the material is fissile, and then the material must be fissile exempt. Additionally, you noted that a 15 gram limit on fissile material is one of the authorized exceptions that currently exists under § 173.453.

The 15 gram restriction on U-235 in § 173.421(a)(5) applies to both fissile (enriched uranium) and natural or depleted uranium. As you noted, however, the international regulations do not have mass limit restrictions for uranium shipments as limited quantities, unless the material is fissile (enriched uranium). This provision in the HMR will be corrected in a future rulemaking. In the interim, however you may wish to apply for an exemption in accordance with the procedures in § 107.105.

I hope this satisfies your request.

Sincerely,

Hattie L. Mitchell, Chief
Regulatory Review and Reinvention
Office of Hazardous Materials Standards



030006

173.421



Department of Energy

Oak Ridge Operations Office
P.O. Box 2001
Oak Ridge, Tennessee 37831—

December 30, 2002

Belts
§173.421
BAM
03-0006

Mr. Edward Muzzullo, Director
Office of Hazardous Materials Standards
Research Special Projects Administration
Department of Transportation
400 Seventh Street SW
Washington, DC 20590

SUBJECT: Request for Department of Transportation (DOT) clarification of the applicability of 49 CFR 173.421(a)(5) to depleted uranium

The Department of Energy (DOE), Oak Ridge Operations Office, is requesting clarification concerning the applicability of the 15 gram limitation found in 49 CFR 173.421 (a)(5). Based upon past conversations with personnel in the Radioactive Materials Branch of RSPA, DOE was led to believe that the 15 gram restriction on U-235 applied to fissile (enriched uranium) materials only, and was not applicable to depleted uranium.

This is consistent with the international regulations, which do not have mass limit restrictions for uranium shipments as limited quantities, unless the material is fissile, and then the material must be fissile exempt. A 15 gram limit on fissile material is one of the authorized fissile exemptions under 173.453.

The DOE has shipments of depleted uranium that are directly affected by this section of the regulations. For example, we have depleted uranium that is not in the form of manufactured articles that would be covered by section 173.426 of the regulations. While shipping our material as LSA-I is certainly an option, there are cases where offering the material as limited quantity under 173.421 is the more economical approach.

Since there is no technical basis for a 15 gram restriction on U-235 in depleted uranium and such a restriction would be inconsistent with the international regulations, we feel that the earlier conversations with RSPA personnel should be validated by this formal clarification. Questions regarding this issue should be directed to me at: 865-576-5338 or willaforddm@oro.doc.gov.

Sincerely,

Dana M. Willaford
Dana M. Willaford
Transportation Safety
DOE/Oak Ridge Operations



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